

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION**

UNITED STATES OF AMERICA,

*Plaintiff,*

Case No. 21-cr-20307-GAD-KGA-1

v.

District Judge  
Gershwin A. Drain

HUGH HAROLD LUSK,

*Defendant.*

\_\_\_\_\_/

**ORDER DENYING DEFENDANT’S MOTION TO DISMISS [#304]**

This matter is before the Court on a Motion to Dismiss filed by Hugh Harold Lusk (“Defendant”). ECF No. 304. This is his fifth such motion. *See* ECF No. 241, 244, 252, 255. The Court has previously denied Defendant’s repetitive filings, and it has relieved the Government from any duty to respond to his meritless motions. ECF No. 249, PageID.1434. As the instant Motion is similarly without merit, no response by the Government is required.

Once again, Defendant re-raises rejected arguments. He argues (1) that this Court lacks jurisdiction over him, (2) that this case was not properly initiated, and (3) that the Government has failed to state a claim against him. Defendant’s jurisdictional arguments and his argument that the Government does not state a claim

have already been addressed and rejected; the Court will not discuss them again here. *See* ECF No. 256, PageID.1462.

The second argument is that this case was not initiated pursuant to the Constitution and that there was insufficient service of process. Defendant's constitutional argument is wholly undeveloped, so the Court has no conception of his position. As to his argument regarding service, Defendant seems to invoke the Federal Rules of Civil Procedure. *See* Fed. R. Civ. P. 5. This argument fails as well, as the Court has already explained that the Federal Rules of Civil Procedure do not apply to criminal proceedings. ECF No. 249, PageID.1433.

Lastly, Defendant seeks to dismiss his indictment on the ground that it is in violation of the Fifth and Sixth Amendments. ECF No. 304, PageID.1851–1852. Again, the Court cannot discern Defendant's position since he merely quotes the text of the Amendments without argument.

### **CONCLUSION**

For the foregoing reasons, Defendant's Motion to Dismiss (ECF No. 304) is **DENIED.**

**IT IS SO ORDERED.**

Dated: January 31, 2024

/s/ Gershwin A. Drain  
GERSHWIN A. DRAIN  
U.S. DISTRICT JUDGE

CERTIFICATE OF SERVICE

Copies of this Order were served upon attorneys of record on  
January 31, 2024, by electronic and/or ordinary mail.

/s/Lisa Bartlett  
Case Manager